

Interim University Rule R1-011A: Police Officer Body-Worn Cameras

I. PURPOSE AND SCOPE

The purpose of this interim rule is to establish policy and guidelines for the operation and use of officer-worn body cameras. The purpose and organizational philosophy regarding deploying body-worn cameras on each uniformed police officer is to document and preserve incidents for investigations and prosecutions, promote officer safety, promote accountability, provide supportive documentation in complaints, further public trust, and improve training opportunities. Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Campus Safety Orders-Warrant Service Policy. Body-Worn cameras have become industry standard for police officers. This interim rule is necessary to bring University Policy into compliance with the industry standard and to allow for the immediate deployment of the department's body-worn cameras. This interim rule closely mirrors Utah state law requirements for body-worn cameras.

While recordings will be reviewed on a regular basis for quality assurance purposes regarding interactions with the public, and the recordings may be used for disciplinary purposes, discipline is not the primary purpose of deploying body-worn cameras. Personnel shall follow Utah State Code 77-7a-101 et seq. (Law Enforcement Use of Body-Worn Cameras). University Safety policy does not supersede Utah law.

II. DEFINITIONS

- A. **Body-Worn Camera:** Officer body-worn cameras (BWCs) are relatively small devices that are worn on the uniform of a police officer or carried by the officer and record interactions between community members (e.g., the public, suspects, and victims) and law enforcement officers. The video and audio recordings from BWCs can be used by law enforcement to demonstrate

transparency to their communities; to document statements, observations, behaviors, and other evidence; and to deter unprofessional, illegal, and inappropriate behaviors by both law enforcement and the public.

B. Personal Recording Device: Any recording device, not attached to a fixture, that is not a body-worn camera. These devices must be approved by the Chief of Police and the Director of Physical Security and Law Enforcement Technology.

***The only personal recording device approved for use in U Safety is the department-issued iPhone.**

C. Law Enforcement-Related Encounters or Activities: Include, but are not limited to, traffic stops, pedestrian/street stops (Terry Stops), arrests, searches, interrogations, investigations, use of force, execution of a warrant, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or state. The definition also includes any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording. This does **not** include when the officer is completing paperwork alone or only in the presence of another law enforcement officer. Law Enforcement-Related Encounters or Activities do not include University Police community building activities such as Coffee with a Cop, presentations and community training opportunities.

D. Categorizing: A method to mark and store a BWC recording for a specific purpose and period of time

E. Body-Worn Camera Coordinator: The Chief of Police or the authorized designee shall designate this individual who will have the authorization and soleresponsibility for coordinating the following:

- a. The security, storage, and maintenance of data and recordings
- b. Accessing data and recordings
- c. Logging or auditing access
- d. Transferring, downloading, categorizing, or marking events
- e. Initial and ongoing training for officers and supervisors in the use of body-worn cameras and evidence

F. U Safety Members or “Members”: Staff members of the University of Utah Safety Department which includes:

1. Chief Safety Officer
2. Office of the Chief Safety Officer

3. Community Services Division
4. Campus Security Division
5. Emergency Management Division
6. U Health Security Division
7. University Police
8. Emergency Communications Division

III. Rule

A. WHEN CAMERAS MUST BE RECORDING

1. When going on duty and off duty, an officer who is issued a body-worn camera or a department-approved personal recording device shall record the officer's name, identification number, and the current time and date, unless the information is already available due to the functionality of the body-worn camera.
2. Cameras must be recording at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity. The recording shall continue in an uninterrupted manner until after the conclusion of an encounter/activity, unless an interruption is otherwise permitted by this policy.
 - (a) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.
 - (b) At no time is a member expected to jeopardize their safety in order to activate a body-worn camera (Utah Code 77-7a-102). However, the camera should be activated prior to any law enforcement-related activity or encounter, or as soon as reasonably possible (Utah Code 77-7a-104).
 - (c) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.
3. Officers shall terminate the use of their body-worn camera while inside a hospital, health care facility, human service program, or the clinic of a health care provider **except** in the following situations (Utah Code 77-7a-104(11)(b)):
 - (a) All enforcement and investigative contacts including stops and field interview situations
 - (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assist and all crime interdiction stops
 - (c) Self-initiated activity in which a member would normally notify U Safety Dispatch
 - (d) Any other contact that becomes adversarial after the initial contact in a

- situation that would not otherwise require recording
- (e) Any use of force
 - (f) Dispatched calls for service
 - (g) Execution of a warrant

(Utah Code 77-7a-103; Utah Code 77-7a-104)

B. CESSATION OF RECORDING (NOT RECORDING)

1. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer (Utah Code 77-7a-104).
2. Officers shall remain sensitive to the dignity of all victims and witnesses being recorded and exercise sound discretion to respect privacy by discontinuing recording if an individual who is the subject of the recording requests that the recording be stopped, and it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
3. Officers shall stop recording when speaking with a victim of a sexual offense if the officer is conducting a lethality assessment, and the officer believes that deactivation of the camera will encourage complete and accurate information sharing by the victim or it is otherwise necessary to protect the safety/identify of the victim. The officer's body-worn camera must be reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.
4. Unless impractical or impossible the officer should record a request to deactivate the camera (Utah Code 77-7a-104)

C. CRIMINAL AND ADMINISTRATIVE USE OF RECORDINGS

1. Access to recordings for the purpose of review and tagging shall be extended to all police supervisors (Sergeant, Lieutenant, Captain, Deputy Chief, Chief) and investigators.
2. Supervisors shall categorize body-worn camera footage as "evidentiary" in the following situations:
 - (a) It contains footage that can be used in an investigation
 - (b) Captures a confrontational encounter between an officer and a member of the public

3. Videos that do not contain evidence or capture a routine, non-confrontational encounter, should be considered “non-evidentiary” or a “non-event” and do not require categorization by a supervisor.
4. Recordings shall not be used to discipline law enforcement officers unless:
 - (a) A formal or informal complaint of misconduct has been made
 - (b) A use of force incident has occurred
 - (c) The encounter on the recording could result in an investigation of misconduct which may be the basis for filing charges seeking removal, discharge, or suspension
5. Recorded files may also be reviewed in the following circumstances:
 - (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
 - (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 - (c) By department media personnel with permission of the Chief Safety Officer or the authorized designee.
 - (d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.
6. Any use of body-worn camera footage, outside of a legitimate law enforcement purpose, shall comply with the requirements of the University’s Building Access and Surveillance Systems Policy 3-234.

D. DATA STORAGE AND RETENTION OF RECORDINGS

1. All recordings shall be stored via secure storage through a vendor meeting minimum standards of privacy and encryption acceptable in the industry.
2. All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, state, and local law (Utah Code 77-7a-107).
3. Officers shall follow proper procedure to ensure proper retention of body-worn camera recordings.
4. Any time an officer records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure and document the existence of the recording in the related case report

5. Transfers should occur at the end of the officer's shift, or any time the storage capacity is nearing its limit.
6. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.
7. All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days. Footage is retained according to the following schedule:
 - Uncategorized: 90 days
 - Aggravated Assault, Criminal Felony, Homicide, Rape, Sexual Assault, Pending Review: Indefinite
 - Citizen Contact: 180 days
 - Civil Problem: 1 year
 - Criminal Misdemeanor: 2 years
 - Felony: 5 years
 - Traffic Stop: 90 Days
 - Welfare Check: 1 year
8. Editing any video or audio recording, with the intent to remove any part of an incident is strictly forbidden.

E. EQUIPMENT MAINTENANCE, INSPECTION, AND PLACEMENT

1. Prior to going into service, each uniformed officer who has been issued a body-worn camera or a department issued iPhone, will be responsible for inspecting the camera, making sure that it is in good working order with a fully charged battery.
2. If the equipment is not in good working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable.
3. The supervisor shall remove the malfunctioning device from service and contact the department's technology staff.
4. Officers shall adhere to the following dimensions for placement of the body-

worn camera (BWC):

- (a) From the center of the sternum, no more than four (4) inches to the right or left
- (b) No higher than four (4) inches below the top button of the uniform shirt
- (c) No lower than six (6) inches below the top button of the uniform shirt with the camera facing forward
- (d) Temporary exemptions to the placement of the BWC in accordance with this policy shall be submitted in the form of a uniform exception and may only be authorized by the rank of Lieutenant or above
- (e) Personal video recording devices used for law enforcement purposes (department issued I-phones) must be visible to the person being recorded except in the circumstance of a clandestine investigation activity.

F. **PERSONAL RECORDING DEVICES**

- 1. Any officer assigned to a non-uniformed position may carry a BWC or a department-approved personal recording device (a department-issued I-phone) any time the officer believes that such a device may be useful. Any officer who uses a personal-recording device for agency-related activities shall comply with the provisions of this general order, including retention and release requirements, and shall notify the on-duty supervisor of such use as soon as reasonably practicable.

G. **DOCUMENTATION AND REPORTING**

- 1. Officers shall document the existence of a recording in any report or other official record of the contact, including:
 - (a) Any instance where the officer failed to record an incident
 - (b) A camera malfunctioned
 - (c) The officer deactivated the camera

Officers must include the reason for any failure to activate or deactivation (Utah Code 77-7a-104).

All recordings of a law enforcement-related encounter or activity with a BWC or a personal recording device must be downloaded by the officer at the end of their assigned shift unless an exception is authorized by a supervisor.

H. **DOCUMENTED REVIEW OF CAMERA-CAPTURED DATA**

- 1. Inspections of all BWC footage for police officers will take place by that officer's Sergeant on a bi-weekly basis. The intent of inspections is to ensure officers are complying with BWC policy.

2. These inspections will be electronically documented (i.e. email) and sent to the Lieutenant within their chain-of-command.
3. The electronic documentation shall include, but not be limited to:
 - (a) The name of the officer
 - (b) The date and time of the recorded video that was reviewed and/or associated case number
 - (c) Comments and/or recommendations

I. PRIVACY EXPECTATION

1. Officers shall not surreptitiously record another department member with a portable audio/video recorder without a court order.
2. Officers shall not record another member of the University community except in the context of a law enforcement encounter or activity.
3. All recordings made by Officers on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

J. USE NEAR EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

K. PROHIBITED USE OF PORTABLE RECORDERS

1. Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity. Members may not alter or delete a recording captured on a portable recorder (Utah Code 77-7a-106).
2. Members are also prohibited from retaining recordings of activities or information obtained while on duty, whether the recording was created with a department- issued or personal recording device.
3. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes.

4. All such recordings shall be retained at the Department (Utah Code 77-7a-106).
5. Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

L. TRAINING

Officers will be trained in operation of the body-worn cameras prior to their issuance and use. Police supervisors will have training available which will be conducted by University Police and the Director of Physical Security and Law Enforcement Technology, regarding the operation of the system. Those supervisors that are required to use and interact with the system shall receive the training.

M. RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

N. REVIEW OF RECORDED MEDIA FILES

1. When preparing written reports, members should review their recordings as a resource.
2. Members shall not retain personal copies of recordings.
3. Members shall not use the fact that a recording was made as a reason to write a less detailed report.
4. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.
5. Recorded files may also be reviewed for the following purposes:
 - (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation
 - (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case
 - (c) By media personnel with permission of the Chief Safety Officer or the authorized designee

- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy
6. All recordings should be reviewed by the University Police GRAMA Coordinator or designee prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

IV. Policies, Procedures, Guidelines, forms and other related resources

- A. Policy 3-234: Building Access and Surveillance Systems
- B. Related References
1. The Commission on Accreditation of Law Enforcement Agencies, Standard 41.3.8
 2. Campus Safety Supplemental Rules
 - Warrant Service Policy
 - Records Maintenance and Release Policy

V. References

- A. Law Enforcement Use of Body-Worn Cameras, Utah Code Ann. 77-7a-101 et seq
- B. GRAMA, Utah Code Ann. 63G-2-101 et seq.

VI. Contacts:

The designated contact officials for this Regulation are:

- C. Policy Officer: Chief Financial Officer
- D. Policy Owner (primary contact person for questions and advice): Chief Safety Officer

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases... ."

"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions

about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History This Interim Rule was put into effect on July 16, 2021 by University Interim President Michael Good. The Interim Rule was required in order to comply with Utah law and best practices for body-worn cameras. It will remain in effect until approved by the Senate.

OUTDATED